

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-168-CX

CASEFILE/PROJECT NUMBER:

PROJECT NAME: Wycon, Pappas, Plumb Commercial Hunting Special Recreation Permits (SRPs)

LEGAL DESCRIPTION: Conduct: T3N/T4N/T5N, R97W/R96W
Plumb: T3N, R94W
Pappas: T1N/T1S/T2S, R94W/R95W

APPLICANT: Wynn Conduct; Rocky Pappas, Ryan Plumb

DESCRIPTION OF PROPOSED ACTION: Three separate and individual commercial hunting guides have applied for a Special Recreation Permit to conduct commercial big game guided hunting operations on BLM lands within the White River Field Office (WRFO). The three applicants are Rocky Pappas, doing business as (dba) Nine Mile Guest Ranch (see Figure 1); Ryan Plumb, dba as Sudden Impact Outfitters (see Figure 2); and Wynn Conduct, dba Wycon Safari Inc (see Figure 3). The intended period of use will be big game archery and rifle hunting seasons (1st – 4th seasons), generally late August through December 31 of each year. The applicants estimate an average of 15 client user days per season for each of their respective permitted areas. All use will be casual and dispersed in nature within the permitted areas only. No drop camps or overnight use will be authorized with the issuance of these permits.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-43

Decision Language: “Special recreation permits (SRPs) will be issued to qualified guides and outfitters based on need and demand for services.”

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, H1: *“Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).”*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

| Extraordinary Circumstance | YES | NO |
|--|-----|----|
| a) Have significant adverse effects on public health and safety. | | X |
| b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. | | X |
| c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | | X |
| d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | X |
| e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | | X |
| f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | X |
| g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office. | | X |
| h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. | | X |
| i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | X |
| j) Have a disproportionately high and adverse effect on low income or minority populations | | X |
| k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites. | | X |
| l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or | | X |

| Extraordinary Circumstance | YES | NO |
|---|-----|----|
| expansion of the range of such species. | | |

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 8/15/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

| Name | Title | Resource | Date |
|---------------|--------------------|--|-----------|
| Kristin Bowen | Archaeologist | Cultural Resources, Native American Religious Concerns | 8/16/2011 |
| Lisa Belmonte | Wildlife Biologist | Special Status Wildlife Species | 8/12/2011 |
| Zoe Miller | Ecologist | Special Status Plant Species | 8/16/2011 |

REMARKS:

Cultural Resources: There are no cultural resource related concerns with this Proposed Action.

Native American Religious Concerns: There are no known concerns.

Special Status Wildlife Species: There are no wildlife-related issues or concerns associated with the Proposed Action.

Special Status Plant Species: There are no special status plant species concerns associated with the Proposed Action.

MITIGATION:

1. The applicant is responsible for informing all persons who are associated with the permit that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the applicant must notify the Authorized Officer (AO), by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff before, during, and after the permitted seasons. The applicants will be placed on a probationary status for a minimum of two consecutive years prior

to the conversion of the permit to a 5-year status. Annual reviews will be conducted of each applicant's operations to insure compliance with the agreed upon terms, stipulations, and conditions of the permit. WRFO recreation staff and law enforcement personnel will also conduct periodic, random on-site inspections of each permittee's operations to insure compliance. The issuance of these permits is discretionary and can be revoked by the WRFO Authorized Officer at any time.

NAME OF PREPARER: Chad Schneckenburger, BLM WRFO Outdoor Recreation Planner

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, H1. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

DATE SIGNED: 8/18/2011

ATTACHMENTS:

Figure 1: Nine Mile Guest Ranch
Figure 2: Sudden Impact Outfitters
Figure 3: Wycon Safari Inc.

Figure 1. Nine Mile Guest Ranch

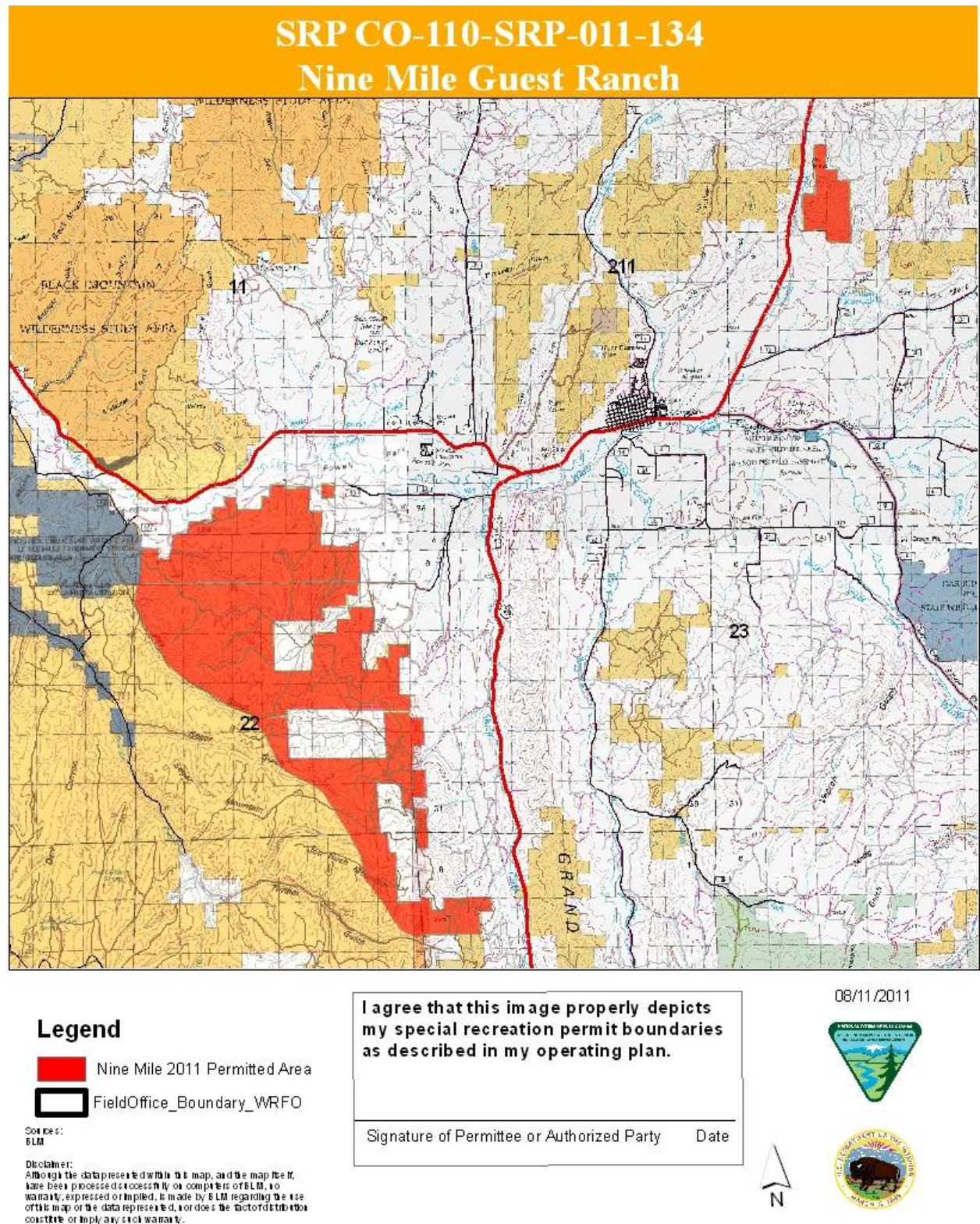


Figure 2. Sudden Impact Outfitters

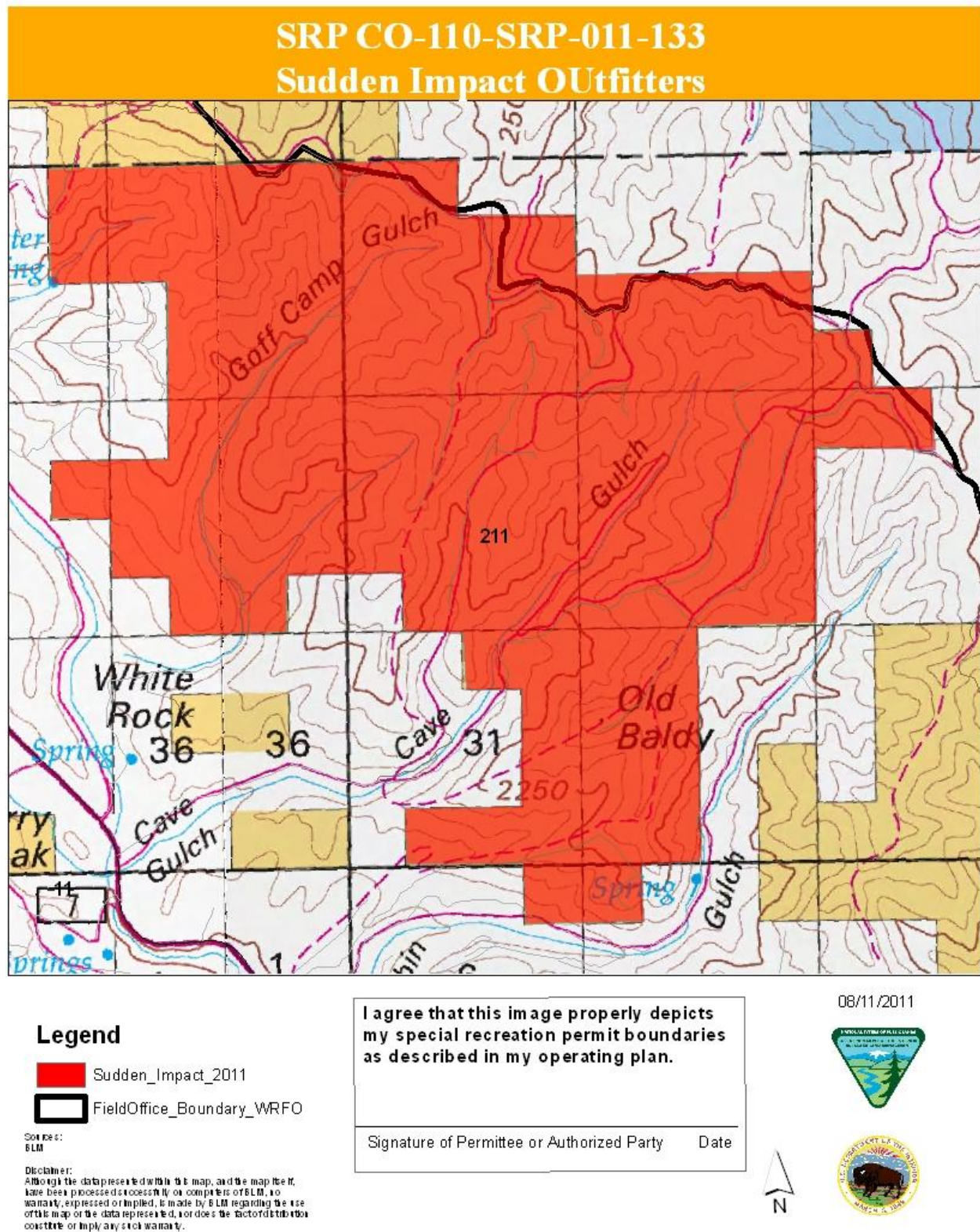
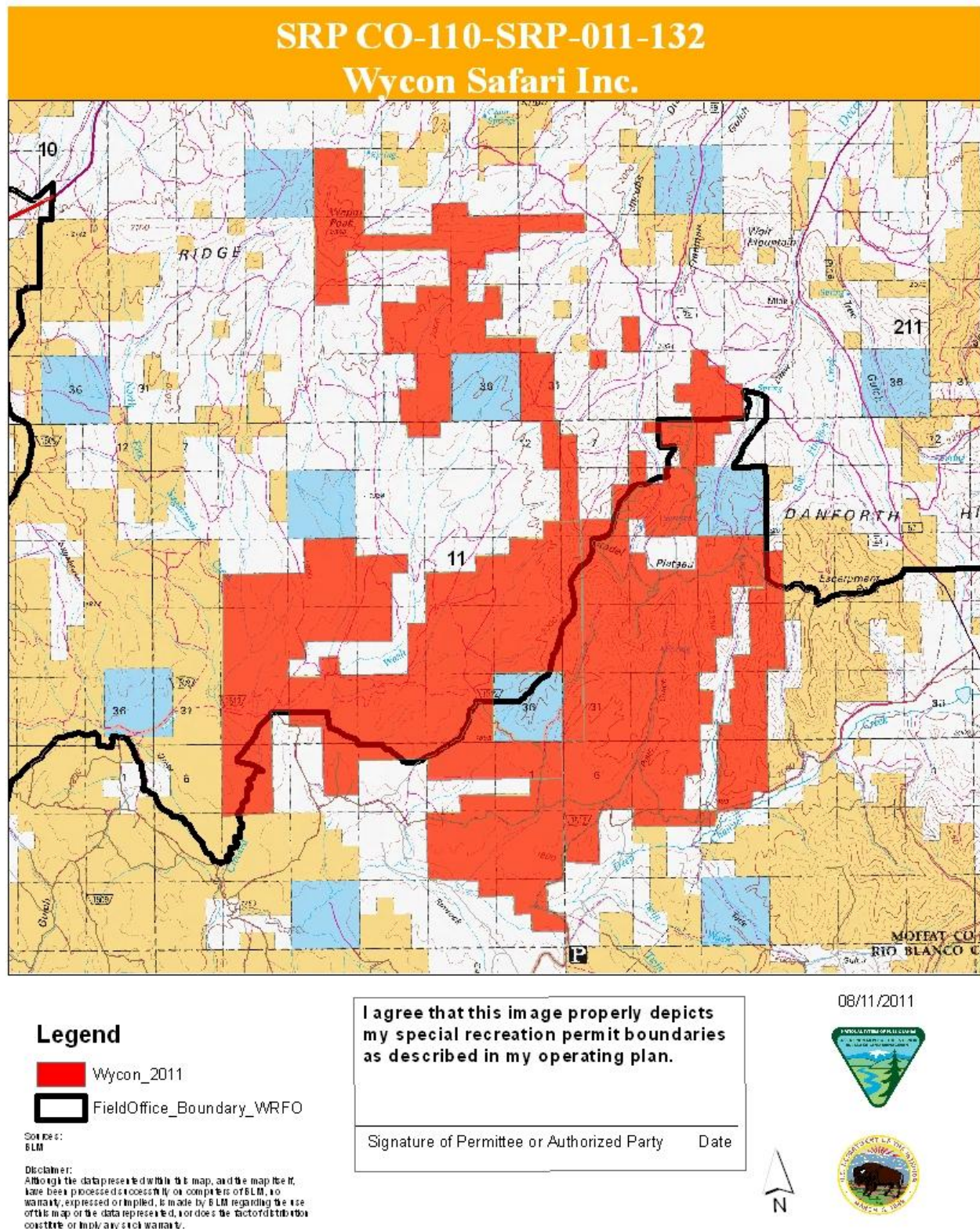


Figure 3. Wycon Safari Inc.



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DECISION RECORD

PROJECT NAME: Wycon, Pappas, Plumb Commercial Hunting Special Recreation Permits (SRPs)

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2011-168-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-168-CX, authorizing the issuance of Special Recreation Permits to Wynn Condict, Ryan Plumb, and Rocky Pappas for the purposes of conducting commercial big game guided hunting operations on BLM lands within the White River Field Office.

Mitigation Measures

1. The applicant is responsible for informing all persons who are associated with the permit that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the applicant must notify the Authorized Officer, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, H1. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Protest

This decision may be protested. Protests shall be filed with the authorized officer at the Bureau of Land Management (BLM) White River Field Office. Protests must be postmarked by the 15th calendar day after the receipt of the proposed decision by the affected party. Protests postmarked more than 15 calendar days after notification of the decision will not be considered.

Protests must be in writing. E-mail and faxed protests will not be accepted. The protest letter must be postmarked by the close of the protest period. The protest must include:

1. The name, mailing address, telephone number, and interest of the person filing the protest;
2. A statement of the issue being protested;
3. A concise statement explaining why the authorized officer's proposed decision is believed to be incorrect (this is a critical part of your protest). Document all relevant facts; and
4. A permit number or other identification of the case (i.e., permittee name).

Upon filing of a protest, the authorized officer shall reconsider the decision in light of the evidence submitted by the protestor, and in view of other information pertinent to the case. At the conclusion of the review of the protest, the authorized officer shall prepare a recommended decision on the protest, and it shall be reviewed by the next higher level authority. If the authorized officer is the Field Manager, the higher level authority is the District Manager. If the authorized officer is subordinate to the Field Manager, the higher level authority is the Field Manager. The decision of the higher level authority shall be the final decision of the BLM. This final decision may be appealed. Final decisions on protests will be made by the 15th calendar day of the receipt of protests.

Process for Appeals

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals, who believe they are adversely affected by a BLM decision to deny, modify or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. §4.411. A person who wishes to appeal to the IBLA must file in the office of the officer who made the decision a notice that he wishes to appeal. "Information on Taking Appeals to the Board of Land Appeals" is enclosed for your convenience.

SIGNATURE OF AUTHORIZED OFFICIAL: _____

Field Manager

DATE SIGNED: _____

